

COMMONWEALTH OF KENTUCKY  
MINE SAFETY REVIEW COMMISSION  
ADMINISTRATIVE ACTION NO. **04 -MSRC- 019**

COMMONWEALTH OF KENTUCKY,  
OFFICE OF MINE SAFETY AND LICENSING

COMPLAINANT

vs.                   **FINAL ORDER REGARDING HIGHLANDS & STUMP**

HIGHLANDS MINING & PROCESSING  
COMPANY, INC., ET AL.

RESPONDENTS

This matter having come before the Commission on the Joint Motion to Approve Settlement Agreement between the Complainant, Office of Mine Safety and Licensing (OMSL) and Respondents Highlands Mining & Charles Robert Stump and the members of the Commission having reviewed the Settlement Agreement filed on April 10, 2006 in the matter herein, and the Commissioners being sufficiently advised,

IT IS HEREBY **ORDERED** as follows:

1. The Joint Motion to Approve Settlement Agreement is **GRANTED**;
2. The **Settlement Agreement** signed by the parties and filed with the Commission is hereby **incorporated by reference** as if reproduced herein in full as a material part of this **FINAL ORDER**. A copy is attached hereto;
3. This Final Order only resolves the matters referenced herein, and any new enforcement action or subsequent penalties imposed during any probationary period are in addition to and not in lieu of those that may be sought by OMSL for the acts or omissions during that probationary period. This Final Order in no way prohibits OMSL from investigating or

filing legal action based upon other activities or omissions by the Respondent not arising from the factual basis of the original violation and resolved herein.

4. This Final Order shall be considered to constitute a “first offense” as that term is defined in 805 KAR 8:010, Section 1(5). Future allegations of separate offenses by Respondent, resulting in an adjudication of guilt by the Commission, shall be deemed “subsequent offenses” as defined by 805 KAR 8:010, Section 1(13);
5. This Final Order represents a final disposition of all issues between the Complainant and the Respondent, in these matters. Failure to comply with the terms and conditions of this Final Order may result in further action by the Commission; and
6. Appellate rights: Pursuant to KRS 351.194(8) and KRS 13B.140(1), an appeal of an order of the Commission must be filed in the Franklin Circuit Court within thirty (30) days of the entry of this Final Order. The petition shall include the names and addresses of all parties of record in this proceeding and shall include a statement of the grounds upon which review is requested. A copy of this Final Order shall accompany the petition. Copies of the petition must be served upon the Commission and all parties of record in this proceeding.

Entered this the 13TH day of April 2006.

A handwritten signature in black ink, appearing to read 'DM Davidson', with a long horizontal line extending to the right.

DENISE MOORE DAVIDSON, CHAIR  
MINE SAFETY REVIEW COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing FINAL ORDER was served by certified mail, return receipt requested, and by regular mail, postage pre-paid to the following this 14<sup>TH</sup> day of April 2006:

HIGHLANDS MINING  
C/O HON HERMAN LESTER  
P.O. DRAWER 551  
PIKEVILLE, KY 41502-0551

*# 7000 0100 0005 2636 5142*

And by messenger mail to:

HON. C. MICHAEL HAINES,  
GENERAL COUNSEL  
OFFICE OF LEGAL SERVICES  
NATURAL RESOURCES LEGAL DIVISION  
#2 HUDSON HOLLOW  
FRANKFORT KY 40601  
502/ 564- 2356  
FAX 502/ 564 - 9212

And the original shall be kept on file:

Mine Safety Review Commission  
132 Brighton Park Blvd.  
Frankfort Ky 40601



Bryon Alan Thompson  
Hearing Officer & General Counsel  
Mine Safety Review Commission

**COMMONWEALTH OF KENTUCKY  
KENTUCKY MINE SAFETY REVIEW COMMISSION  
ADMINISTRATIVE ACTION NO. 04-MSRC-019**

**KENTUCKY OFFICE OF MINE SAFETY & LICENSING**

**COMPLAINANT**

**V.           SETTLEMENT AGREEMENT BETWEEN OMSL & HIGHLANDS  
MINING & PROCESSING, CO., INC. and CHARLES  
ROBERT STUMP**

**HIGHLANDS MINING AND PROCESSING  
COMPANY, INC., CHARLES ROBERT STUMP,  
ANTHONY BOGGS, TONY DEAN, MARTY BOGGS,  
JEREMIAH CALDWELL and ANTHONY SIMPSON**

**RESPONDENTS**

\* \* \* \* \*

Come the Complainant, the Kentucky Office of Mine Safety & Licensing (“OMSL”), and Respondents, Highlands Mining and Processing, Company, Inc., (“Highlands”) and Charles Robert Stump (“Stump”) (collectively referred to as the Respondents), by counsel, and hereby state that they have agreed to a settlement of the above-styled disciplinary proceeding, according to the following terms:

In consideration for the final resolution of this action against them, and the cancellation of the hearing (as it pertains to them) that was previously scheduled for April 13, 2006 on the complaint filed herein. The Respondents deny that the violations occurred but concede that the Mine Safety Review Commission could reasonably find from the evidence that the alleged violations occurred and impose the requested penalties. Therefore, the Respondents hereby agree to the following:

1. Highlands shall be permanently barred from holding any license authorized under KRS Chapters 351 and 352 for the operation of an underground mine in the Commonwealth of Kentucky.

2. Stump shall be barred from holding any license authorized under KRS Chapters 351 and 352 for the operation of an underground mine in the Commonwealth of Kentucky for a period of three (3) years following the date of acceptance of this Settlement Agreement by the Mine Safety Review Commission.

3. The underground mine foreman's certificate A-922-75 issued to Stump shall be revoked for a period of three (3) years and his underground miner's certificate, number , be placed on probation for a period of three (3) years following the date of acceptance of this Settlement Agreement by the Mine Safety Review Commission.

4. During the three-year probationary period, Stump shall comply with all state and federal mine safety laws and regulations. The willful violation by Stump of any of said laws or regulations may result in OMSL filing a motion with the Mine Safety Review Commission to revoke his underground miner's certificate for the remainder of the probationary period.

5. The Respondents further agree that they will pay to OMSL the sum of Ten Thousand Dollars (\$10,000.00) in the following fashion:

A. The Respondents shall tender a certified check or money order in the amount of Five Thousand Dollars (\$5,000.00) made payable to the Kentucky State Treasurer within ten (10) days of the date of acceptance of this Settlement Agreement by the Mine Safety Review Commission.


B. The Respondents shall tender a certified check or money order in the amount of Five Thousand Dollars (\$5,000.00) made payable to the Kentucky State

Treasurer within ninety (90) days of the date of acceptance of this Settlement Agreement by the Mine Safety Review Commission.

C. The Respondents shall mail the checks to: Office of Mine Safety and Licensing, ATTN: C. Michael Haines, P.O. Box 2244, Frankfort, Kentucky 40602.

The Respondents further agree that this Settlement Agreement and any final order issued herein by the Mine Safety Review Commission will be considered by the Commission to constitute a "subsequent offence", as that term is defined at 805 KAR 8:010, Section 1(13).


OMSL and the Respondents acknowledge and agree that the effective date of there are no further promises, inducements, representations, or agreements in connection with this Settlement Agreement other than those expressly set forth in writing herein.

  
On behalf of Highlands Mining and  
Processing Co., Inc.  
Charles R. Stump [Name]  
President [Title]


7-6-2006  
DATE

  
CHARLES ROBERT STUMP

4-6-2006  
DATE

  
JOHNNY GREENE  
Acting Executive Director  
KY Office of Mine Safety & Licensing  
P.O. Box 2244  
Frankfort, Kentucky 40602

4-10-06  
DATE

  
TAMMY SKEENS, Counsel for Highlands  
Mining and Processing Co., Inc. and  
Charles Robert Stump  
P.O. Box 551  
Pikeville, Kentucky 41502

\_\_\_\_\_  
DATE

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Settlement Agreement Between OMSL and HIGHLANDS & STUMP was mailed this 16TH day of APRIL, 2006, to:

Hon. Tammy Skeens  
Counsel for Highlands  
Mining and Processing Co., Inc. and  
Charles Robert Stump  
P.O. Box 551  
Pikeville, Kentucky 41502



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C. MICHAEL HAINES, GENERAL COUNSEL

OFFICE OF LEGAL SERVICES  
NATURAL RESOURCES LEGAL DIVISION  
KY OFFICE OF MINE SAF